

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, APRIL 27, 2004**  
**COUNTY COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**1:30 P.M.**

Commissioners Present: Ray Stevens, Chair  
Larry Hudkins, Vice Chair  
Bernie Heier  
Deb Schorr  
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Trish Owen, Chief Deputy County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 20, 2004.**

**MOTION:** Workman moved and Heier seconded approval of the minutes of the Board of Commissioners meeting dated April 20, 2004. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **CLAIMS: Approval of all claims processed through Tuesday, April 27, 2004.**

**MOTION:** Schorr moved and Hudkins seconded approval of all claims processed through April 27, 2004. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

- A. An application for Corporate Manager for Kim McKay in connection with an application for a Class M (Bottle Club) and a Class B (Beer, Off Sale Only) liquor license for SKM Enterprises Inc. d/b/a Castaways Bar & Grill/Pawnee Lake Marina, located at 3805 Northwest 105<sup>th</sup> Street, in Lancaster County, Nebraska.

The Chair reconvened the public hearing and asked if anyone wished to provide testimony.

No one appeared and the hearing was closed.

5) **OLD BUSINESS:**

- A. An application for a Special Designated License from M G C d/b/a Crooked Creek Golf, located at 333 South 134<sup>th</sup> Street, to hold golf outings on the following dates:

- ▶ Sunday, May 16, 2004 from 6 a.m. to 12 p.m.
- ▶ Sunday, June 13, 2004 from 6 a.m. to 12 p.m.
- ▶ Sunday, July 18, 2004 from 6 a.m. to 12 p.m.

Lisa Bunch, Food and Beverage Manager for Crooked Creek Golf, appeared and explained that the application for the Special Designated License was to extend their current liquor license to incorporate the entire golf course for the tournaments, not just the club house.

In response to a question asked by Stevens, Bunch stated they will comply with all Nebraska sanitation laws.

**MOTION:** Schorr moved and Heier seconded approval of an application for a Special Designated License from M G C d/b/a Crooked Creek Golf, located at 333 South 134<sup>th</sup> Street, to hold golf outings on May 16<sup>th</sup>, June 13<sup>th</sup> and July 18<sup>th</sup>, 2004. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

6) **NEW BUSINESS:**

**A. A resolution in the matter of approving the issuance by Hospital Authority No. 1 of Lancaster County, Nebraska of its \$4,255,000 Revenue Refunding Bonds, Series 2004 (Eastmont Towers Project) for the purpose of refunding the Authority's outstanding Series 1999 Revenue Bonds (Eastmont Towers Project) which were issued in the original principal amount of \$5,000,000. (R-04-0038)**

**MOTION:** Hudkins moved and Heier seconded approval of Resolution 04-0039 in the matter of approving the issuance by Hospital Authority No. 1 of Lancaster County, Nebraska of its \$4,255,000 Revenue Refunding Bonds, Series 2004 (Eastmont Towers Project) for the purpose of refunding the Authority's outstanding Series 1999 Revenue Bonds (Eastmont Towers Project) which were issued in the original principal amount of \$5,000,000.

Kevin Siebert, bond counsel, appeared and explained the original bonds were issued in 1999 to finance the expansion of Eastmont Towers. He said the bonds were not County bonds and there would be no new money or new construction involved. Siebert stated because interest rates are declining the Hospital Authority can realize a substantial savings by refunding the bonds.

Workman asked about the interest rate.

Siebert stated the average rate on the outstanding, existing bonds is approximately 6.13 percent. The new bonds will be at an approximate interest rate of 4.99 percent.

**ROLL CALL:** Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

**B. A resolution in the matter of an application for Corporate Manager for Kim McKay in connection with an application for a Class M Bottle Club (Spirits, Wine, Beer, On Sale) and a Class B (Beer, Off Sale Only) liquor license for SKM Enterprises Inc. d/b/a Castaways Bar & Grill/Pawnee Lake Marina, located at 3805 Southwest 105<sup>th</sup> Street, Lancaster County, Nebraska. (R-04-0039)**

6) **NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Schorr seconded approval of Resolution 04-0039 in the matter of an application for Corporate Manager for Kim McKay in connection with an application for a Class M Bottle Club (Spirits, Wine, Beer, On Sale) and a Class B (Beer, Off Sale Only) liquor license for SKM Enterprises Inc. d/b/a Castaways Bar & Grill/Pawnee Lake Marina, located at 3805 Southwest 105<sup>th</sup> Street, Lancaster County, Nebraska with the condition that the applicant(s) complete a responsible hospitality class. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

Heier suggested future resolutions pertaining to liquor licenses be approved or denied immediately following the closure of the public hearing.

**ROLL CALL:** Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

**C. A resolution in the matter of supporting the removal of the 7<sup>th</sup> Street bridge over Interstate 80. (R-04-0040)**

**MOTION:** Heier moved and Workman seconded approval of Resolution 04-0040 in the matter of supporting the removal of the 7<sup>th</sup> Street bridge over Interstate 80. Schorr, Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

**D. An application for a Special Designated License from Fosters Tap Inc. to hold a street dance on Saturday, May 22, 2004 from 8 p.m. to 12:30 a.m.**

Hudkins asked the applicant about plans for parking.

Joleen Killham, applicant, appeared and stated she didn't think they would be doing anything different relating to parking. She stated last year they had the main service road partitioned off with temporary fencing and that there are alternatives for accessing Highway 77.

Workman asked Killham if she contacted the residents of Princeton.

Killham replied that they have not yet contacted residents, however, they will leave a note in residents' doors. She stated last year they did not go door to door, but could do so this year if necessary.

6) **NEW BUSINESS CONTINUED:**

In response to a question asked by Schorr regarding toilet facilities, Killham stated last year they had 12 port-a-potties. She added that they would make sure there was no public urination.

Discussion followed regarding security for the event, with Killham indicating that the Sheriff had recommended one off-duty deputy per every 250 individuals. She stated last year they were unable to hire off-duty officers, however, they would comply with any recommendations.

In response to a question asked by Stevens, Killham stated they were denied an amusement license last year which resulted in a citation because they proceeded with the street dance.

Hudkins asked Killham if she had obtained guidelines from the State Fire Marshall.

Killham responded no.

Stevens asked the County Sheriff for his input.

Terry Wagner, Lancaster County Sheriff, appeared and indicated he had no additional input.

In response to a question asked by Hudkins regarding parking, Wagner stated he didn't believe they received any complaints regarding parking last year.

**MOTION:** Workman moved denial of the application for a Special Designated License from Fosters Tap, Inc..

Motion failed for lack of a second.

**MOTION:** Heier moved and Schorr seconded approval of an application for a Special Designated License from Fosters Tap Inc. to hold a street dance on Saturday, May 22, 2004 from 8 p.m. to 12:30 a.m.

Stevens suggested the motion be modified to incorporate the Sheriff's recommendations and request the applicant to provide a parking plan for the Village of Princeton.

Heier suggested the motion be modified to include that the residents of Princeton be contacted prior to the street dance.

6) **NEW BUSINESS CONTINUED:**

Suggested by Schorr was that the applicant also contact the State Fire Marshall's Office.

Workman added that correspondence had been received from a Princeton resident regarding concerns about restroom facilities, parking and contact of residents prior to the dance.

**AMENDMENT:** Schorr moved and Heier seconded to include the following amendments to the approval of the Special Designated License: a) a good faith effort be made to contact the residents of Princeton; b) a final plan be drawn for parking; c) submittal of documentation from the State Fire Marshall's Office that they have been contacted and plans have been approved and d) incorporation of the Sheriff's recommendations.

**AMENDMENT TO AMENDMENT:** Heier moved and Schorr seconded approval of the application for Special Designated License pending approval of the application for amusement license.

General discussion took place relating to policies and procedures in connection with applications for Special Designated Licenses.

**ROLL CALL ON AMENDMENT TO AMENDMENT:** Heier, Hudkins, Schorr and Stevens voted yes. Workman voted no. Motion carried.

**ROLL CALL ON AMENDMENT:** Schorr, Heier and Stevens voted yes. Workman and Hudkins voted aye. Motion carried.

Stevens clarified that the original motion as amended was to approve the application for a Special Designated License to include that the applicant make a good faith effort to contact the residents of Princeton, submittal of a final plan for parking, submittal of documentation from the State Fire Marshall's Office that they have been contacted and plans have been approved and to incorporate the Sheriff's recommendations based on the pending approval of an application for an amusement license.

**ROLL CALL ON ORIGINAL MOTION AS AMENDED:** Heier, Schorr and Stevens voted aye. Hudkins and Workman voted no. Motion carried.

6) **NEW BUSINESS CONTINUED:**

**E. A culvert replacement and maintenance agreement with L.J. Webb Contractor, Inc. for County Project 04-21 at various locations within the County. The pipe culvert work will be provided between April 26, 2004 through September 3, 2004. The County will pay \$78,334.58. (C-04-0188)**

**MOTION:** Hudkins moved and Workman seconded approval of a culvert replacement and maintenance agreement with L.J. Webb Contractor, Inc. for County Project 04-21 at various locations within the County. Heier, Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

**F. An agreement with Child Guidance Center for substance abuse evaluations to youth under the age of 18 at the Lancaster County Assessment Center. Term of the agreement is from April 1, 2004 through June 30, 2004. The County will pay up to \$8,524 for the services. (C-04-0189)**

**MOTION:** Schorr moved and Hudkins seconded approval of an agreement with Child Guidance Center for substance abuse evaluations to youth under the age of 18 at the Lancaster County Assessment Center. Workman, Schorr, Hudkins, Heier and Stevens voted aye. Motion carried.

**G. An engineering agreement with Speece-Lewis Inc. for bridge inspection services on Project 04-35. Speece-Lewis will begin work on May 1, 2004 and complete all work before June 30, 2004. The work consists of approximately 100 county bridges. The County will pay \$95 for each bridge inspection and \$75 per hour for each bridge re-measuring when warranted. (C-04-0191)**

**MOTION:** Hudkins moved and Workman seconded approval of an engineering agreement with Speece-Lewis Inc. for bridge inspection services on Project 04-35. Speece-Lewis will begin work on May 1, 2004 and complete all work before June 30, 2004. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

- H. **An agreement with the Yankee Ridge Road Improvement District to exclude two sections of Marlyn Road from the paving project. The County Engineer's Department is agreeable to these sections being excluded. (C-04-0192)**

**MOTION:** Schorr moved and Hudkins seconded approval of an agreement with the Yankee Ridge Road Improvement District to exclude two sections of Marlyn Road from the paving project. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- I. **A utility relocation agreement, Project C55-EM-401(1), Northwest 84<sup>th</sup> Street, Adams Street to Highway 34, between the County of Lancaster and the Lincoln Electric System of Lincoln, Nebraska. The total amount of the project is estimated at \$133,125 of which \$20,657 is estimated to be the share of the cost chargeable to the County. (C-04-0193)**

**MOTION:** Workman moved and Hudkins seconded approval of a utility relocation agreement, Project C55-EM-401(1), Northwest 84<sup>th</sup> Street, Adams Street to Highway 34, between the County of Lancaster and the Lincoln Electric System of Lincoln, Nebraska. Hudkins, Schorr, Heier, Workman and Stevens voted aye. Motion carried.

- J. **An agreement with Sinclair Hille & Associates, Inc. for architectural services for the renovation of the former Community Blood Bank building at 2966 "O" Street for use by the Community Mental Health Center. Sinclair Hille will prepare and provide the necessary working drawings, specifications and other contract documents. Sinclair Hille will also sub-consultant contract with Engineering Technologies Inc. (ETI) for mechanical and electrical drawings and specifications. The County will pay a total project fee of \$19,250, which includes \$8,000 for ETI's services and \$11,250 for Sinclair Hille's architectural services. (C-04-0194)**

This item was held at the request of the County Attorney's Office.

6) **NEW BUSINESS CONTINUED:**

**K. A business associate agreement between Hospice Care of Nebraska ("Covered Entity") and Lancaster County on behalf of Lancaster Manor ("Business Associate"). The agreement addresses the privacy regulations of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), with respect to "business associates" as that term is defined by the HIPAA Privacy Rules. (C-04-0200)**

**MOTION:** Hudkins moved and Schorr seconded approval of a business associate agreement between Hospice Care of Nebraska ("Covered Entity") and Lancaster County on behalf of Lancaster Manor ("Business Associate"). Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

**L. An amendment to an agreement with Julie Poykko-Post, under County Contract C-04-0006, to update the designated baseline data on two previous Legalized Gambling Impact Studies for the County and make recommendations based on the collection and analysis of the data. At the request of the County, the contractor agreed to provide additional data analysis and as a result, the parties wish to amend the compensation from \$2,000 to \$2,350. (C-04-0190)**

**MOTION:** Heier moved and Hudkins seconded approval of an amendment to an agreement with Julie Poykko-Post, under County Contract C-04-0006, to update the designated baseline data on two previous Legalized Gambling Impact Studies for the County and make recommendations based on the collection and analysis of the data. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

**M. Recommendation from the Purchasing Agent and the Emergency Management Director to award an order for six MSA Self Contained Breathing Devices (SCBA) to Elvin Safety Supply at City of Lincoln mirror contract prices as per Executive Order 68436. This will be a total award of \$20,789 using grant funds obtained by the Emergency Management Department.**

**MOTION:** Hudkins moved and Workman seconded approval of the recommendation from the Purchasing Agent and the Emergency Management Director to award an order for six MSA Self Contained Breathing Devices (SCBA) to Elvin Safety Supply at City of Lincoln mirror contract prices as per Executive Order 68436. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

**A. Receive and Place on File:**

1. Clerk of the District Court's Monthly Report for March, 2004.
2. Sheriff's Report of Fees for March, 2004.
3. Lincoln City Libraries Director's Report for March, 2004.

**B. Setting of public hearings for Tuesday, May 11, 2004 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:**

- ▶ County Change of Zone 04020, requested by Kenneth Morrow, from AG Agricultural to AGR Agricultural Residential on property generally located at Northwest 105<sup>th</sup> Street and West Fletcher Avenue in Lancaster County, Nebraska.
- ▶ Comprehensive Plan Amendment 03007, requested by the Lancaster County Board of Commissioners, to amend the 2025 Lincoln-Lancaster County Comprehensive Plan, to remove reference to determination of County impact fees.

**C. Setting of a public hearing for Tuesday, May 18, 2004 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding an application for an amusement license from Fosters Tap Inc., located at 24049 South 12<sup>th</sup> Street, in Princeton, Nebraska to hold a street dance on Saturday, May 22, 2004 from 8 p.m. to 12:30 a.m..**

**D. Request from Huyen Nguyen, an employee in the Clerk of the District Court's Office, to voluntarily participate in the County's retirement plan having met the requirements.**

**E. Request from Clarissa Bohling, an employee at Lancaster Manor, to voluntarily participate in the County's retirement having met the requirements.**

7) **CONSENT ITEMS CONTINUED:**

**F. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:**

- ▶ Matthew D. and Pamela S. Davis, in the total amount of \$4,178, on North 162<sup>nd</sup> Street from Salt Creek to Davey Road; Project C55-A-401(5). (2 contracts) (C-04-0195 and C-04-0196)
- ▶ Ellis D. and Evelyn Hutchinson, in the total amount of \$2,847.50, on North 162<sup>nd</sup> Street from Salt Creek to Davey Road; Project C55-A-401(5). (2 contracts) (C-04-0197 and C-04-0198)

**MOTION:** Heier moved and Schorr seconded approval of the Consent Items. Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

8) **FINALIZE DEPARTMENTAL BUDGET HEARING SCHEDULE:**

**MOTION:** Heier moved and Hudkins seconded to finalize the departmental budget hearings schedule.

Dave Kroeker, Budget and Fiscal Officer, disseminated documentation regarding schedule conflicts and alternative dates to hold budget hearings (Exhibit 1).

Heier withdrew his motion.

Board consensus was to reschedule budget hearings tentatively set for Tuesday, May 18, 2004 to Tuesday, June 1, 2004.

9) **ADJOURNMENT:**

**MOTION:** Schorr moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 2:38 p.m.. Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

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Bruce Medcalf  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, APRIL 27, 2004  
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS  
MEETING**

Commissioners Present: Ray Stevens, Chair  
Larry Hudkins, Vice Chair  
Bernie Heier  
Deb Schorr  
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds  
Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Trish Owen, Chief Deputy County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 2:38 p.m..

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 20, 2004.

**MOTION:** Hudkins moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated April 20, 2004. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **ADDITIONS AND DEDUCTIONS:**

**Approval of 6 additions and deductions to the tax assessment rolls per Exhibit "A".**

**MOTION:** Heier moved and Workman seconded approval of the additions and deductions to the tax assessment rolls. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Food Bank of Lincoln, Inc.  
Grace Lutheran Church**

**MOTION:** Workman moved and Schorr seconded approval of the motor vehicle tax exemptions. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

5) **TAXABLE STATUS FOR 2004 FOR THE PONCA TRIBE OF NEBRASKA:**

Mike Thew, Chief Deputy County Attorney, appeared and stated the property located at approximately 17<sup>th</sup> and F Streets (former Red Cross building) was originally acquired by the Ponca Tribe in its own name and was used for tribal purposes. In approximately 1999, the Ponca Tribe transferred ownership of the property in trust to the United States government pursuant to Section 465-25 USC 465 of the United States Code. Thew stated the property is now held by the United States government in trust for the Ponca Tribe. He stated that the last sentence of that section of the code states, "Title to any lands or rights acquired pursuant to this Act, shall be taken in the name of the United States in trust for the Indian tribe or individual Indian for which the land is acquired and such land or rights shall be exempt from state and local taxation."

Recommendation was to approve the exemption application.

**MOTION:** Workman moved and Hudkins seconded approval of the taxable status exemption for the Ponca Tribe of Nebraska for 2004.

Hudkins asked when the transfer back to the United States government took place.

Thew stated it took place on December 3, 1999.

Offered by Thew and marked for the record was a copy of the warranty deed (Exhibit 1).

**ROLL CALL:** Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

6) **TAXABLE STATUS FOR 2004 FOR THE CITY OF LINCOLN (4 PARCELS):**

Norm Agena, County Assessor/Register of Deeds, stated the four parcels are being held by the City of Lincoln for future development for a public use.

Recommendation was for approval of the exemptions based on Supreme Court decisions rendered in 2003.

**MOTION:** Heier moved and Workman seconded approval of exemptions for 2004 for the City of Lincoln on the following parcels i.d.'s: 16-26-300-001-000, 16-26-100-002-000, 17-05-300-002-000 and 17-05-300-007-000. Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

7) **ADJOURNMENT:**

**MOTION:** Schorr moved and Hudkins seconded adjournment of the Board of Equalization meeting at 2:47 p.m.. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

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Bruce Medcalf  
County Clerk